App F IX 4

Previous References

ML 57-49 (RO-22)

Later References

19 51-52 (ML)

File No 57-51

Serial Nos 7

GENERAL AND REVENUE SECRETARIAT

Serial Nos One

P 21 (KLE)

Part B for June 1951

SUBJECT

Disposal of site in front of taluk office Nanjangud

To, ~~the~~ Sri Kingappa

L. 2088 dt 5/6/51

Copy to D.C Mysore

& dt T-M C. Nanjangud

WD 010861—GPB—25,000—18-9-50

2/11/51

6659/ml
50-57

From Pchd on 29/11-12-50 from Sri Basavaraj Lingappa ~~Harijanpet~~ Kalyana Bhavan, requesting Request that a vacant site near taluk office may which has been granted to Sri Parashivamurthy for Rs 1000/ may be granted to him for Rs 2500/ in view of his Hotel having no labour che

Submitted -

1) The Vacant site near taluk office has been granted to Sri Parashivamurthy for Rs 1250 vide his G O No L 9446/ml 57 49-4 dt 3 50

2) The request of Sri Basavaraj Lingappa has been rejected on the ground that his offer (Rs 2500) to the said site is subsequent to the former one has been endorsed on the file letter No L 9446/ml 57-49 22 dt 3 50 stating that his offer has been rejected

3) For orders whether a report may be called for from again from the DC Mysore or Sanction ~~of~~ the petition may perhaps be sent to the Mysore for ~~verification~~ disposal

JM
10/1/51

Yes MS
13/1

6659/mc 6659/mc 7803

Basavaraj Lingappa's appeal petition — Adv. Vaidyanath

4) A receipt is put up on the petition towards the Court fee disposal

12/1 HM 17/1

5) Issue MS 20/1

L, 10763, D 20/1/57

22/1/57

From Sri Lingappa Vaidyanath dated 10.2.57 stating that the site in front of taluk office Vaidyanath Saw Mill has been granted to Sri Parvatikar owners, may be disposed of in public auction

7) Memo filed 25.2.57 stating,

"Please examine all aspects of this case with reference to the points raised in the petition and put up a detailed note"

(V.D.K.) 12/4/11

A Boy Hde f the Sar—

Submitted—

8) On the applicaton f
Sr Parashvamurthy, a Site
measuring (36 × 12½ ft) was
granted by the Naijangud
Tmk of for Rs 1000/- ~~by the~~
~~the application of the Site~~
~~in which adjacent to his house~~
~~f Keshava~~ His action f the
municpl Council was done
in a hurried manner, for
the Sole Mangalamukhi one
cl should have been distinct
f in Trine auction
the price fixed was too low
in View f the offers

9) f the applicants, one
Sr Basavaraje Mangalore
offered Rs 2,500/- for the same
Site and addressed to the D C
Mysore Dt on the hurried
action f the Mk of the
D C, suspended the resolution
f the TMC and after

Shri Seshan, he Concluded that Site is very Valuable and it is situated on the Bazar Street and that Rs 2000/- would be a fair price the further opined that since the MCC have already granted the Site to Sri Parashivamurthy, and Cost and taxes, have been recovered the Site may be Confirmed in favour of Sri Parashivamurthy. If he is agreeable to pay Rs 2000/- If he is not agreable, the Site may be disposed of in Public auction

10) The above recommendation of the D C was approved and order issued in this office letter no L 42295 dated 17-10-49

Flag A

On a further appeal to Government made by Sri Dingappa a further report was called for from the D C Mysore Sri on his report

the Govt Stated that the
Site may be Continued
with a view to Panchayath
in Rs 1250/, as the Principal
Council have given Resolution
that the Site may be Continued
for an amount of Rs 1000/-
as originally Proposed for
Economic Status in his
Resolution

(2) When the terms
of the order dated 17-10-49 was not yet
Complied with, it was not
in order for the Principal
Council to have issued a
licence to Continue a building
on the land, sold by the
Panchayath. Even in
the beginning of the case, the
matter was to be enquired
much against the Proceedure
As in the D.O Ltr George Kuttan
after Site inspection,

6659 / 7803 ½

Disposal of the appeal of Taluk Office - Nayagan

Recommended the cancellation of the sale in favour of the Parachi Amma for Rs 1250 (as against Rs 2000) as originally ordered by the Government as the appeal was accepted by the Government in their order No L 9446/ml 57-49-21 dated 6-3-50

Reg 'C'

(3) Again Sri Singaperumal has appealed to the Government for reconsideration, on the ground that Sri Parachi Amma who was at the time a Municipal Councillor has intervened the Council on his behalf, that the sale has denoted from the Public Procedure that in the circumstances he requests the sale may be ordered to be disposed of in favour or granted to him for Rs 2500 Cls

1pTO

6659 / 7803 / ml

Disposal of S/E in front of taluk office - Nanjangud

5387 / Law

A brief note is put up as per orders (paras 8 to 12)

14 Final orders have already been passed in the case and the applicant has also been endorsed accordingly vide letter dated 6 3 50 to the DC (Flag C) and Endt dated 6 3 50 to the party (9)

15 Kind attention is invited to the orders of the Hon'ble L S G minister contained at para 12 of the coll'n ml 57-49 (Pgs 20 22) placed below

16 The sale of the site in question has been ordered to be confirmed in favour of Sri Parabrama moorthy in the letter dated 6 3 50 refd to above In para 6 of the DCs letter dated 25 7 49 it has been reported that the ml cl have recovered the municipal tax on the site from the grantee and that the party has spent some amount over the site

17 The representations of the applicant viz cancelling the sale transacted by the ml Council and ordering the disposal of the site by public auction at this distance of time lead to legal complications on which points the Law Secty may perhaps be consulted

L S G Secy) MS 20/3

18) for favour of perusal

Law Secy)

MS 13/3/50

MS 14/3

ml 23/3

1269/50
SECY LAW DEPT
15 MAR 1950

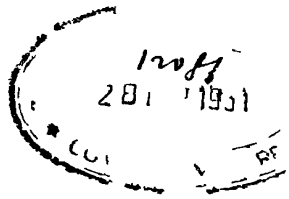
5387 — 6659/7803

Disposal of Site in front of Taluk Office - Nanjangud

19) The specific action which is now proposed to be taken and the actual points on which ~~the~~ legal opinion is required, have not been set out ~~xxxxx~~ However, it is seen from the G O dated 6th March 1950 that the Govt have passed considered order accepting the proposal for the confirmation of sale in favour of Sri Parasiva Murthy for Rs 1,250/- It may not be desirable in the face of that order to permit any reagitation in the matter after the lapse of so much time especially after the party has paid the taxes on the site and also spent some amount over the site

Law Key) 28/3

NMM 28/3



20) This is a case in which a valuable site situated in a busy locality in Nanjangud town appears to have been given away by the D'C'L for an inadequate price to Sri Parasiva Murthy, without either calling bids or selling it on public auction - The action of the D'C'L was set aside by the Dy Com'r + Govt accepted in their letter of 17-10-49 the Dy Com's recommendation to confirm the sale to Sri Parasivamurthy in case he agreed to pay Rs 2000/- + Govt directed that if Sri Parasivamurthy did not deposit the amount, the site ~~was~~ be sold by auction — The D'C'L however did not act accordingly but resolved to grant it for Rs 1000 only to Sri Parasiva Murthy, even though at this time there was the petitioner's offer for Rs 2000

Despatch after note in front of the Zahuk
Min Mangalore
7803/rel 659 / 7803/rel

The Dy Comr (for Mysore and Coorg) after this
after inspection reported that this state may
be granted to Sir Parasuram Bhau for Rs 1250
This was accepted by Govt, mainly on the
ground that the offer of Sir Lingaraja was
subsequent to the resolution of the Govt
granting this state to Sir Parasuram Bhau.
The question of the matter can be reconsidered now
without becoming liable in damages or otherwise
to Sir Parasuram Bhau — [illegible]
If a title deed has been granted to
Sir Parasuram Bhau & for Rs 1250 received
from him also handed over, as appears to be the
case, it is now difficult to set right
the wrong done, as Sir Parasuram Bhau would
have a cause of action against the Govt
if this title is now interfered with

Secy L&S)

28/3
29/3

13572
29/3

OF
THE [illegible] FOR
L SELF-GOVERNMENT 21)
No S S 35-21)
Date 29/3/57
Regd
1466
5/4

Regd letter for perusal and orders in view of the legal opinion furnished above

MS 29/3

M 29/3

MS 29/3

22) Reference Orders of the Hon'ble Minister for L S G dated 12 2 57 on the P 20 D
Sparus 14 to 18 L S G Secy)

AM L&S)

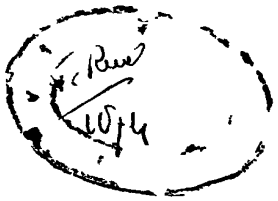
6659 / 7803

Disposal of Site in front of Taluk Office Nanjangud

5535

23) the party will be heard on 19-4-51 at 2 P M the party may be intimated

On 8/4/51



24) Pl intimate at once

MS 10/4

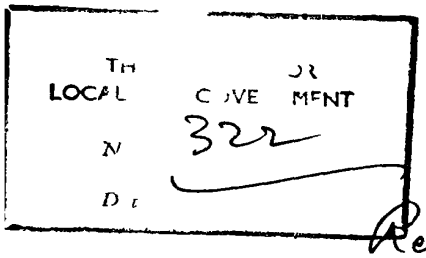
22) Draft decree is put up for approval

RS 11/4 SM

26) Issue to-day

MS 11/4

To the Deputy Govt. Pleader Civil
L 2586 & 12-4-51
Copy of the D C petition
P; no Civil Revision applications issued



Resubmitted after issue of notices
The file may kindly be marked to his P A & to Peishkar for D S G

RS 13/4 JPM

PA to H M (D S G) MS 13/4

I heard the counsel for the petitioner & the case is posted for orders

On 19/4/51

I heard the learned counsel for the petitioners on 19/4/51 who argued that the offer of the petitioner for Rs 2500/- was prior to the decision of the Civil Court

6659, 7803

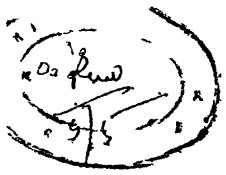
Disposal of Site in favour of Taluk Office - Nagappa

322

the sale in favour of Parasivamurthy for Rs 1000/- the rules of procedure in disposing of the site have not been followed by the MLC etc

Orders

There is no evidence to show that the offer of the petitioner for Rs 2500/- was prior to the resolution of the MLC granting the land to Sri Parasivamurthy at an upset price of Rs 1000/- on the contrary the report of the D C discloses that the offer was subsequent to the decision of the MLC As regards the procedure the MLC have not followed the usual procedure to be followed in respect of a site to be sold in public auction since the question was one of granting a site to an applicant at an upset price



The final orders on this subject were passed by Govt on 17/2/50 & an endorsement to the petitioner was issued on 6-3-50 The MLC have recovered the money & accepted from the grantee The appeal in this behalf is preferred to Govt by the petitioner on 12/2/51 Therefore, at this distance of time after final orders of Govt were passed & when there are no fresh grounds for reconsideration it is not considered desirable to reopen the question & hence the appeal petition is dismissed

By
2/5/51 MLS 7/5

6659 | 7803

Disposal Table in front of Taluk Office-Nanjangud

Sub with a draft endorsement for approval

MS 9/5

Not suitable Put up a revised draft

MS 12/5

A revised draft is put up.

BG 16/5 19/5

Issue

MS 21/5

To

Sri Lingappa Hotel keeper, Bazar St Nanjangud
Thro' his counsel

No L 2088/ML 57-51-7 Dt 5-6-51

Rejects the petitions

Copy to the Dy Cmr, Mysore &
and the Pdt. T.M.C, Nanjangud

Appeal dismissed

BG 17/7/51

BEFORE THE MINISTER FOR LOCAL SELF GOVERNMENT
IN MYSORE, BANGALORE

MI 57-54-7

Petitioner Lingarra, son of Kalarra, aged about 55 years, Lingayat, Hotel Keeper, Bazaar Street, Opposite Taluk Office, Nanjangud Taluk

please examine all aspects of the case with reference to the points raised in this petition & put up a detailed note

19/2/57

1 S S Secy

14/2

14/2

14/2

The petitioner abovenamed begs to submit as follows -

1 The site mentioned in the schedule to this petition is 45 feet long north to south and 18 feet wide east to west in extent and is situate in a prominent locality in Nanjangud town, viz., in the Bazaar Road, right in front of the Taluk Office The site is bounded on the east by the petitioner's house and on the west by the house of one C Parasivamurthy The site belonged to the Municipality for the last few years since it was resumed from the previous owner, Sir Haji Ismail Sait About two years ago, the petitioner has made an application for the grant of the site for a proper value to the petitioner as his house was very much cramped for want of space and the petitioner wanted the adjacent site with a view to improve his house and give it a decent appearance Sri C Krishnappa, who was the President then told the petitioner that there was a litigation in connection with the site and his application would be attended to after the closing of the litigation and the Municipality got the possession of the land After Sri Krishnappa, one Sri Shivanandaradhya, became the President of the Municipality and the neighbour to the west of the site, Sri Parasivamurthy, was also a Municipal Councillor at that time

2 Sri Parasivamurthy has used his influence in the Municipal Council and persuaded the Municipal Council to grant the site to him for an upset price of Rs 1,000/- It may kindly be noticed that this grant for an upset price has been done without proper publication The procedure adopted in granting this site to Sri Parasivamurthy is highly irregular and against the canon of Municipal Administration

3 The petitioner understand that the site he

been sold to Sri Parasivamurthi about a year and a half back. Immediately after coming to know of the site being given away to Sri Parasivamurthi, the petitioner gave a petition to the Municipality complaining of the irregularity in the disposal of the site and praying for a disposal of the site by open auction after due publication and offering a starting bid of Rs. 2,500/- for the site. A similar petition was addressed to the Deputy Commissioner in May one. District and another petition was submitted to the Government in February, 1950, praying for an enquiry into the matter and disposal of the site in open auction. The petitioner understands that inspite of the repeated application given to the authorities by the petitioner the sale in favour of Mr. Parasivamurthy is confirmed.

4. The petitioner submits that the site is even now vacant except for a thatched hut which is put up there by Sri Parasivamurthi. The petitioner respectfully submits that he has been handicapped for want of accomodation and a suitable kitchen and a bath room and lavatory in the house in his occupation. The petitioner has built a storeyed house at a cost of Rs. 15,000/-. The vacant space to the west of the petitioner's house which is sold to Parasivamurthi is absolutely necessary for the petitioner to make his house comfortable and sanitary. The petitioner submits that the sale of the site without due publication has been a loss to the Municipality as in open competition it is likely to fetch three time the value. The site is in a prominent place, situated as it is in front of the Taluk Office and in a busy locality. It is a very valuable site which has been knocked down by one of the Municipal Councillors abusing the interest of the Municipality to accomodate an influencial Municipal Councillor.

5. The petitioner humbly submits that there is a serious irregularity in the sale proceedings and it is eminently necessary for the Government to call for the whole file of papers, examine the same, institute an enquiry into the matter, cancel the sale now held and direct that the site should be sold in public auction after due publication according to law.

6. The petitioner humbly prays that the Government direct the issue of a stay order restraining Sri Parasivamurthy from constructing on the said site pending the disposal of this petition. Schedule: Site in No. 1 of Taluk office on the Bazar Street in Nanjangud Town.

Bangalore City,
20th Dec. 1950

Maloor. Subbarao
Advocate for petitioner

10 2 5)

In the Court of the

Before the Minister for Local Self Govt in
AT BANGA

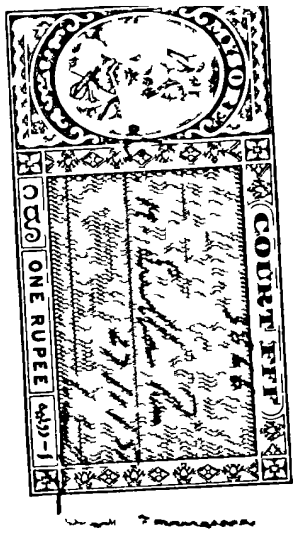
No of 19 - 19

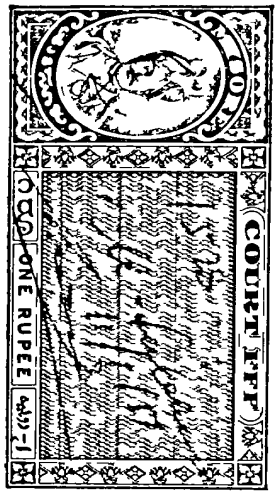
PLAINTIFF/APPELLANT
PETITIONER

Lingappa

Vs

DEFENDANT/R





I/We Pethanna above named

appoint and retain
Maloor Subba Rao B A LL B
Advocate Balepet Bangalore City

to appear for me/us in the above suit/appeal/ Original/Mis petition and to conduct and prosecute (or defend) the same proceedings that may be taken in respect of any applic execution of any decree or order passed therein I/We empow advocate to appear in all miscellaneous proceedings in suit or matter till all decrees or orders are fully satisfied or and to obtain the return of documents and draw any money that might be payble to me/us in the said suit or matter

Accepted

Maloor Subba Rao
Advocate

Thy Lingappa

Personally known to me and signed in my presence

Maloor Subba Rao
Advocate

Dated 10/2/51 191

12/2/51

G R S
Bypalur Date

Notice

No. L 2556/12 & 51

Petitioner

Sri Lingappa, Hotel Keeper
Bazar Street Nanjangud
through his Counsel
Kaloor Subbarao BA, LLB
Advocate, Balepet, Bangalore

Respondents

The President T M C
Nanjangud

Subject

Appeal filed by Sri Lingappa regarding the disposal of Site in front of Taluk Office, Nanjangud in favour of Sri Parasiva murthy

The Parties in the above Case will be heard by the Hon Minister for Agriculture in his Chambers in the Old public Offices Bangalore at 2 P M on 19-4-51

Sd MS
Dated 28th January 11/4

Memo No L 2578/12 & 51

Copy forwarded to
1. The D C Mysore
2. The C Nanjangud

Sd MS
28th January 11/4

Appendix Γ G —1]

SUBJFCT

Section

File No

Diary No of letter replied to

Serial No

No

To

Publicity Office

( )

the 194

Date of issue

Signed by

List of enclosures

Copied by

Examined by

WD 01000—GPB—2000—3 1 48

App ndix F G—1]

SUBJECT

5 Cys

Section Ml
File No 57-51
Serial No 7

Diary No of letter replied to

No 2085/Ml 57 57 Y1
3 6 57

To

General and Revenue Secretariat
( )
the 19

Endorsement
Granted to Sri Anjaiah
Hotel keeper, Bazar Street
Nanjangud, through his
Counsel, Malur Sibbadas
B.A., B.L., Advocate, Bangalore

ate of issue

Signed by

vide reference
to his appeal petition
dated 10-2-51 addressed
to the Revenue Minister
requesting that the site
in front of Taluk Office
Nanjangud ~~in favour of~~ re disposal of
~~be sold for Rs 2500/- or~~ Sri Parasuvanurthy
~~disposed of in favour~~
Sri Anjaiah is informed that
~~the site in question was~~
no evidence is forthcoming to show
that the offer of the petitioner for Rs 2500/-
was prior to the resolution of the Rl Cl
granting the land to Sri Parasuvanurthy at

List of enclosures

Copied by

Examined by

WD 010850—GPS—25,000—17-7-56

an upset price of Rs 1000/- + usual orders in this behalf were passed by Govt as far back as 14.2.1950 and an endorsement was also issued to the Engg. officer on 6.3.50 Orders on 6-3-50 the Govt sanctioned the Lr Parashiva murthy and the Asst Engr Rs 2500/- by the petitioner is subsequent to the resolution of the Municipal Council approving the grant rejecting his offer

Hence ~~the Govt see that are~~ no ~~prima facie grounds~~ reason to interfere in the question at this distance of time, and this appeal petition is accordingly dismissed

Sd/-
9/5
Asst Secretary

Govt
2089-90

Order No

Copy We
(1) to the D.P. Reports
(2) P.W.D. Municipal Engineer for information in continuation of this office letter No L 9446/ ML 57-49-21 dated 6.3.50

Sd/-
9/5
Asst Secretary

GOVERNMENT OF MYSORE

No L.255-6

General & Revenue Secretariat
Dated, Bangalore, 12th April 1951.

NOTICE

Petitioners:	Respondent
Sri Linappa, Hotel Kee, Lazar Street, Manjanad, through his counsel Maloc: Subba Rao, B A, L L., Advocate, Saltpet, Bangalore.	The President, Town Municipal Council, Manjanad.

Sub:- Appeal filed by Sri Linappa regarding the disposal of site in front of Taluk Office, Manjanad in favour of Sri Paraciva Murthy.

The party in the above case will be heard by the Hon'ble Minister for Local Self-Government, in his chambers in the Old Public Offices, Bangalore at 2 P M on 19-4-1951

By Order,

Sd/- M S Swaminathan,
I C S Secretary to Government.

c-6(11-4)

p t o